

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Melvin Thomas Allotment
#00382
Grazing Permit

Environmental Assessment (EA)
DOI-BLM-MT-C020-2013-0083-EA

For Further Information Please Contact:

Bureau of Land Management
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301
406-233-2800

BLM



PROPOSED ACTION: The proposed action is to issue the permit for the Melvin Thomas Allotment (#00382) and issue the permit to the current applicant for a ten year term. The term of the permit will run from March 01, 2013 through February 28, 2023. Some minor changes to the permitted use will be made to more accurately reflect the percent of public land in each pasture and to properly permit use by pasture.

GR# 2502339

Melvin Thomas Allotment #00382	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Walter & South	269	Cattle	5/25	10/27	81	Active	1118
Horse Pasture	53	Cattle	10/28	12/29	100	Active	110
Horse Pasture	10	Horses	6/1	12/30	100	Active	88
Calving & Utility	18	Cattle	3/01	2/28	100	Custodial	213
Flint Exchange	4	Cattle	3/01	2/28	100	Custodial	42

Total Active AUMs: 1,571

Terms and Conditions:

Line 1 -3: Grazing use in the Walter, South and Horse pastures is based on the grazing plan developed in 2004.

Total use will not exceed the carrying capacity for these pastures during the May to October grazing period.

Line 4: Grazing is not to exceed the surveyed carrying capacity of the public land. Livestock will not be on the public land continuously for the entire season. Livestock numbers are not restricted.

Line 5: Exchange of use with McDonald in Lone Tree AMP allotment #00117, GR #2502099. Refers to public land in Lone Tree allotment paid for by Thomas in exchange for use of McDonalds Private land in Melvin Thomas Allotment.



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301-7000

www.blm.gov/mt

In Reply Refer To:
4100 (MTC021)
GR# 2502339

April 15, 2013

Thomas Ranch Family Partnership
3506 Haxby Road
Jordan, MT 59337

Certified Mail No: 70113500000345171725
Return Receipt Requested

NOTICE OF PROPOSED DECISION

BACKGROUND

The Melvin Thomas Allotment (#00382) is located approximately 35 miles Northeast of Jordan, MT in Garfield County. The Melvin Thomas Allotment consists of 7,636 acres of BLM administered lands containing 1,571 AUMs of authorized active use and 2,200 acres of private lands.

The allotment was assessed for and met Land Health Standards in 2012.

Thomas Ranch Family Partnership submitted a lease agreement for the base property for the Melvin Thomas Allotment. In addition, they submitted Form 4120-1 (Grazing Application-Grazing Schedule), Form 4130-1a (Grazing Application/Preference Summary), Form 4130-1b (Grazing Application-Supplemental Information), and Form 4120-8 (Assignment of Range Improvements).

In February of 2013, a Miles City Field Office BLM interdisciplinary team initiated an Environmental Assessment (DOI-BLM-MT-2013-0083-EA) to analyze the issuance of the grazing permit to Thomas Ranch Family Partnership for the above mentioned allotment. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on March 7, 2013.

PROPOSED DECISION

Therefore, it is my proposed decision to issue a grazing permit, which will authorize the grazing of the Melvin Thomas Allotment (#00382) to Thomas Ranch Family Partnership. The permit will be issued for a ten year term from March 14, 2013 through February 28, 2023. The permit will be issued as follows:

GR# 2502339

Melvin Thomas Allotment #00382	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Walter & South	269	Cattle	5/25	10/27	81	Active	1118
Horse Pasture	53	Cattle	10/28	12/29	100	Active	110
Horse Pasture	12	Horses	6/01	1/8	100	Active	88
Calving & Utility	18	Cattle	3/01	2/28	100	Custodial	213
Flint Exchange	4	Cattle	3/01	2/28	100	Custodial	42

Total Active AUMs: 1,571

Terms and Conditions:

Lines 1-3: Grazing use in the Walter, South and Horse pastures is based on the grazing plan developed in

2004. Total use will not exceed the carrying capacity for these pastures during the May to October grazing period.

Line 4: Grazing is not to exceed the surveyed carrying capacity of the public land. Livestock will not be on the public land continuously for the entire season. Livestock numbers are not restricted.

Line 5: Exchange of use with McDonald in Lone Tree AMP allotment #00117, GR # 2502099. Refers to public land in Lone Tree allotment paid for by Thomas in exchange for use of McDonald's private land in Melvin Thomas allotment.

RATIONALE

The issuance of the grazing permit is provided through a deed showing control of the base property for this allotment being submitted to the BLM. The deed contains the legal descriptions of the base property associated with this allotment.

Upon receiving all forms, the Miles City BLM Field Office interdisciplinary team initiated an Environmental Assessment (DOI-BLM-MT-2013-0083-EA) to analyze the issuance of the grazing permit for the allotment. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on March 7, 2013. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

The BLM determined that Thomas Ranch Family Partnership meets the qualifications to be an applicant to hold the grazing permit. The issuance of the permit complies with 43 CFR §4110.1, 4110.2-1, and 4110.2-2.

AUTHORITY

The following sections of the Code of Federal Regulations, Chapter 43, provide authority for the actions proposed in this grazing decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf

§4110.1 Mandatory qualifications

§4110.2-1 Base property.

§4110.2-2 Specifying permitted use.

§4130.2 Grazing permits or leases

§ 4120.2 Allotment management plans and resource activity plans.

§ 4120.3-2 Cooperative range improvement agreements.

§4130.3 Terms and conditions

§4130.3-1 Mandatory terms and conditions

§4130.3-2 Other terms and conditions

§4130.3-3 Modification of permits and leases

§4160.1 Proposed decisions

§4160.2 Protests

§4160.3 Final decisions

§4160.4 Appeals

RIGHT OF PROTEST AND APPEAL

Protest:

Any applicant, permittee, lessee, or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager, Field Manager
Bureau of Land Management, Miles City Field Office
111 Garryowen Road
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice.

Appeal:

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21 9 and 43 CFR 4.471, pending final determination of an appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final (43 CFR 4160.4).

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470, which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b) (1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits.
- 3) The likelihood of immediate and irreparable harm if the stay is not granted.
- 4) Whether the public interest favors granting the stay.

ENCLOSURES FOR REPLY

Find enclosed two copies of your grazing permit. Please sign both copies and promptly return them both to the Miles City Field Office. Once officially signed by the authorized officer, you will be provided with a signed copy for your records.

Also enclosed is a copy of your BLM allotment map. Review the enclosed map and notify this office of any inaccuracies. Please mark fenceline locations and return the edited map to the office.

If you have any questions on this document please contact Kirk Anderson, Rangeland Management Specialist, at (406) 233-3140 or Reyer Rens, Supervisory Rangeland Management Specialist, at (406) 233-2866.

Sincerely,



Todd D. Yeager
Field Manager

Enclosed:

- 1) BLM Grazing Permit (2 copies: please sign and return to the Miles City Field Office)
- 2) Allotment Map

AndersonK:lrn:4/9/13:Thomas_FRP_Decision_Letter_AndersonK_2013